



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
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DEAN D. EFSTATHIOU, Acting Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

October 14, 2008

IN REPLY PLEASE
REFER TO FILE: **MP-5**

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION
A PORTION OF SUMMIT ROAD SOUTH OF HILLSIDE DRIVE
UNINCORPORATED COMMUNITY OF TOPANGA
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)**

SUBJECT

This action is to vacate a portion of Summit Road, south of Hillside Drive, in the unincorporated community of Topanga, which is no longer needed for public use.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this action is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that:
 - a. A portion of Summit Road south of Hillside Drive has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, has been determined to be excess and there are no other public facilities located within the easement and that it may, therefore, be vacated pursuant to Section 8333 (a) and (c) of the California Streets and Highways Code.

- b. A portion of Summit Road south of Hillside Drive is excess right of way not required for street or highway purposes and that it may, therefore, be vacated pursuant to Section 8334 (a) of the California Streets and Highways Code.
 - c. A portion of Summit Road south of Hillside Drive is not useful as a nonmotorized transportation facility and that it may, therefore, be abandoned as required by Section 892 of the California Streets and Highways Code.
3. Adopt the Resolution of Summary Vacation.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to vacate a portion of Summit Road south of Hillside Drive (Easement), since it no longer serves the purpose for which it was dedicated and is not required for public use.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Fiscal Responsibility (Goal 4). The vacation of the Easement will eliminate unnecessary maintenance cost and reduce the County of Los Angeles' (County) possible future exposure to liability.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The applicant has paid a \$1,000 fee to defray the expense of the investigation. The fee was authorized by your Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 2,782 square feet and is shown on the map attached to the resolution. The road right of way to be dedicated to the County for public road and highway purposes has an area of approximately 1,118 square feet.

The California Streets and Highways Code Section 8333 provides "The legislative body of a local agency may summarily vacate a public service easement in any of the following cases: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement."

The California Streets and Highways Code Section 8334 provides "the legislative body of a local agency may summarily vacate any of the following: (a) an excess right-of-way of a street or highway not required for street or highway purposes."

The County's interest in the Easement was acquired in 1924 by dedication in Tract No. 6943, recorded in Book 105, pages 74 to 82, inclusive, of Maps, in the office of the Registrar-Recorder/County Clerk of the County as an Easement for public road and highway purposes.

The proposed vacation is conditioned upon the underlying fee owner dedicating right of way for public road and highway purposes over the existing roadway. This condition must be met to the satisfaction of the Department of Public Works (Public Works) within one year of the date this Resolution of Summary Vacation (Resolution) is adopted by your Board or the vacation will terminate and become null and void.

Mr. John MacNeil, Licensed Surveyor, on behalf of Mr. Robert Husser, owner of Lots 410 and 257, along with adjoining property owners, requested the vacation due to the existing roadway lying outside of the road right of way. The vacation will allow for the realignment of the road right of way over the existing roadway within Mr. Husser's properties.

Adoption of the attached Resolution and subsequent recordation, when the condition has been satisfied, will terminate the County's rights and interest in the Easement. The dedication will allow for the realignment of road right of way over the existing road. Your action will also result in the properties being unencumbered of the Easement and available to the property owners for use without restriction of the Easement.

ENVIRONMENTAL DOCUMENTATION

This action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15305 and 15321 of the State CEQA Guidelines which state that this class of projects consisting of minor alterations in land use, limitations and actions to revoke entitlement for use, issued and adopted by the regulatory agency, have been determined not to have a significant effect on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will allow for additional property taxes through elimination of the easement.

CONCLUSION

Please return one adopted copy of this letter and one original and one copy of the Resolution to Public Works, Mapping & Property Management Division, together with a copy of your Board's minute order. Retain one original for your files.

Respectfully submitted,


DEAN D. EFSTATHIOU
Acting Director of Public Works

DDE:PAP:mr

Attachment

c: Chief Executive Office (Lari Sheehan)
County Counsel

**RESOLUTION OF SUMMARY VACATION
A PORTION OF SUMMIT ROAD SOUTH OF HILLSIDE DRIVE
(CONDITIONAL)**

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

1. The County of Los Angeles is the holder of an easement for public road and highway purposes (hereinafter referred to as the Easement) in, over, and across the real properties legally described in Exhibit A and depicted on Exhibit B, both attached hereto. The Easement, south of Hillside Drive, is located in the unincorporated community of Topanga in the County of Los Angeles, State of California.
2. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
3. The Easement is excess right of way and not required for street or highway purposes.
4. There are no existing public utility facilities that will be affected by the vacation of the Easement.
5. The Easement is not useful as a nonmotorized transportation facility as defined in Section 887 of the California Streets and Highways Code.
6. The Easement is hereby vacated pursuant to Chapter 4, Part 3, Division 9 of the Streets and Highways Code, State of California, commencing with Section 8330, and subject to the condition provided in paragraph 7, below.
7. The vacation of the Easement is conditioned upon the fee owner dedicating right of way for public road and highway purposes over the existing roadway. This condition must be met to the satisfaction of the Department of Public Works within one year of the date this resolution is adopted by the Board of Supervisors or the vacation will terminate and become null and void.
8. Upon the satisfaction of the condition specified in paragraph 7, above, Public Works be authorized to record the certified original resolution in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, at which time the Easement shall no longer constitute a public easement.
9. From and after the date this resolution is recorded, the Easement no longer constitutes a street, highway, or public service easement.

The foregoing Resolution was on the 14th day of OCTOBER, 2008, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.



SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By


Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.,
County Counsel

By



Deputy

NS:mr

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EXHIBIT A

**SUMMIT ROAD
SOUTH OF HILLSIDE DRIVE**

A.I.N. 4440-024

T.G. 590-B4

I.M. 144-097

R.D. 336

S.D. 3

M0688110

LEGAL DESCRIPTION

(Vacation of Easement)

That portion of Summit Road, 26 feet wide, as shown on map of Tract No. 6943, recorded in Book 105, pages 74 to 82, inclusive, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, lying within the following described boundaries:

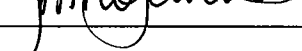
Beginning at the most northerly northeasterly corner of Lot 410, said tract; thence southwesterly and southeasterly along the generally easterly boundary of said lot to the intersection of said generally easterly boundary and the northerly boundary of Lot 409, said tract; thence southeasterly along the northeasterly boundary of said last-mentioned lot to the westerly boundary of Summit Road, 40 feet wide, as shown on County Surveyor's Map No. B-2348, on file in the office of the Director of the Department of Public Works of said County; thence northerly along said westerly boundary to its intersection with the southwesterly boundary of Lot 257, said tract; thence northwesterly along said southwesterly boundary to the most westerly corner of said last mentioned lot; thence northerly along the westerly boundary of said last mentioned lot to the northerly boundary of said last mentioned lot, thence easterly along said northerly boundary to said westerly boundary of Summit Road; thence northerly and northeasterly along said westerly boundary of Summit Road to its intersection with the southerly boundary of Lot 413, said tract; thence westerly along said southerly boundary and its westerly prolongation to the point of beginning.

Total Area: 2,782 ± square feet

APPROVED AS TO DESCRIPTION

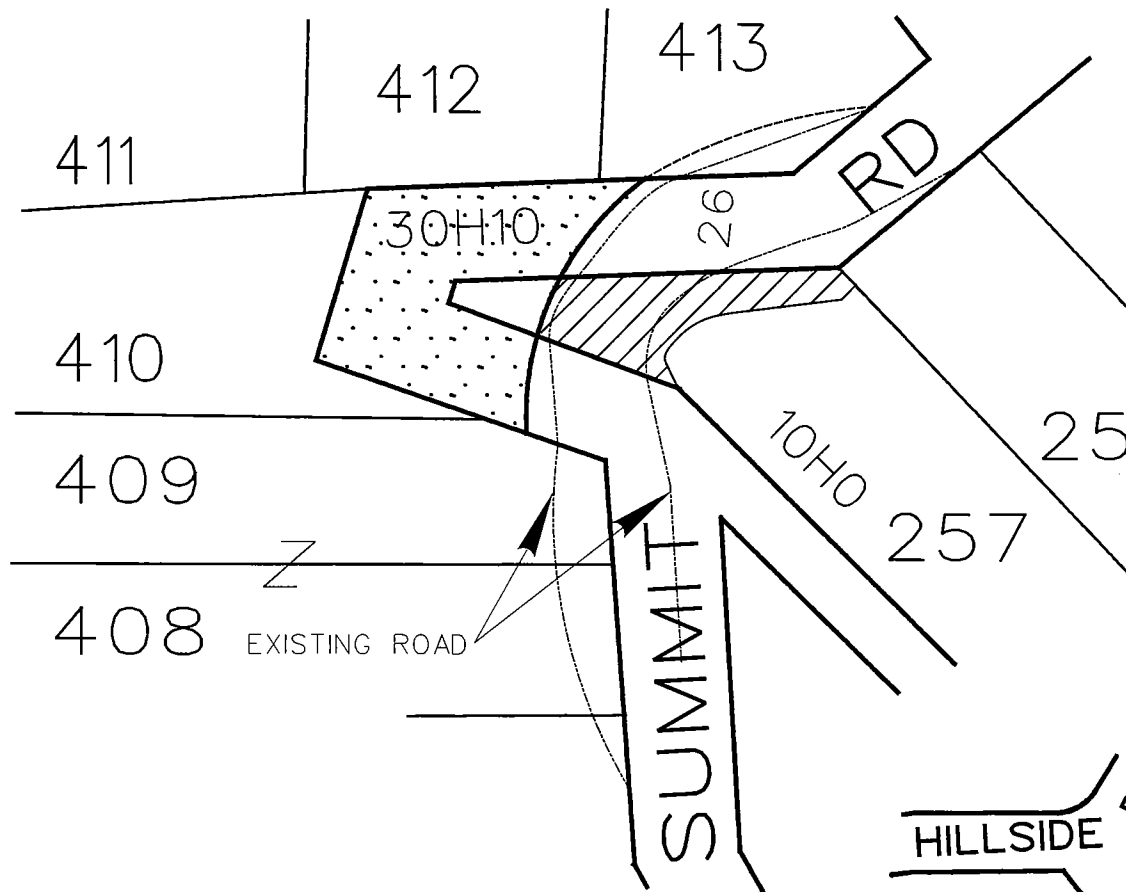
August 27, 2008

COUNTY OF LOS ANGELES

By 

SUPERVISING CADASTRAL ENGINEER III
Mapping & Property Management Division

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.





SUBJECT

LOCATION

EXHIBIT B

LEGEND

-  Area to be dedicated
Total Area: 1,118± s.f.
-  Area to be vacated
Total Area: 2,782± s.f.

REVISIONS

1.

2.

3.

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD.
3

RD.
336

A.I.N.
4440-024

T.G.
590-B4

DRAWING NO.

M0688110

SCALE
NONE

DATE
09-20-05

I.M.
144--097

SUMMIT ROAD
S/O HILLSIDE DRIVE